


Date: July 7, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: 
George M. Burgess
County Manager

Subject: Road Closing Petition P-748
Section: 02-54-39
Portions of SW 136th Place at Theoretical SW 6th Street
District: 12

Agenda Item No. 5(P)

RECOMMENDATION

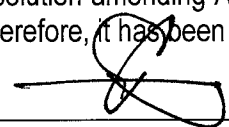
It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The Miami-Dade County Departments of Planning and Zoning, Public Works, Water and Sewer and Fire Rescue have no objection to the right-of-way closing.

BACKGROUND

The petitioner, Jose R. Soberon, wishes to close the corners of an irregularly shaped right-of-way abutting his property to incorporate the area into the proposed plat of "EL TOVAR AT UNIVERSITY PARK", Tentative plat number T-19964. The remaining right-of-way will consist of a cul-de-sac, which complies with the Public Works Manual Standard Details and matches the existing pavement. The closing of the subject portion of right-of-way does not violate any zoning law applicable to this area of the county nor does it affect traffic continuity.

The subject right-of-way was dedicated in 1981, by the Plat of "UNIVERSITY PARK WEST SECTION FOUR", recorded in Plat Book 118, Page 63, of the Public Records of Miami-Dade County, Florida. Said plat contains a reverter clause which stipulates that the right-of-way reverts to the current owners of the abutting properties when its use as a public right-of-way is lawfully and permanently discontinued. The area surrounding the subject right-of-way is zoned RU-1 (Single Family Residential District).

The Property Appraiser's Office has assessed the adjacent property to this right-of-way at \$4.75 per square foot. Therefore, the estimated value of this right-of-way would be approximately \$4,982. If this right-of-way is closed and vacated, the right-of-way will be placed on the tax roll, generating an estimated \$110 per year in additional property taxes. This petition was submitted prior to the County Commission Approval of the resolution amending Administrative Order 4-114 creating the two tier fee system for Road Closing Petitions. Therefore, it has been processed under the previous fee structure.


Deputy County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 7, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 5(P)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

☒ _____ No committee review

Approved _____ Mayor

Agenda Item No. 5(P)

Veto _____

07-07-05

Override _____

RESOLUTION NO. _____

RESOLUTION GRANTING PETITION TO CLOSE
PORTIONS OF SW 136TH PLACE AT
THEORETICAL SW 6TH STREET (ROAD CLOSING
PETITION NO. P-748)

WHEREAS, the County Commission held a public hearing to consider a petition to close the odd shaped portions of the cul-de-sac on SW 136th Place at theoretical SW 6th Street, as outlined in the accompanying petition and memorandum, a copy of which is incorporated herein by reference

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the closing of the aforementioned road is contingent on the recording of the plat of EL TOVAR AT UNIVERSITY PARK, Tentative plat T-19964, that in the event the plat is not approved this resolution becomes null and void; (2) that the street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; (3) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (4) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (5) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of July, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Thomas Goldstein

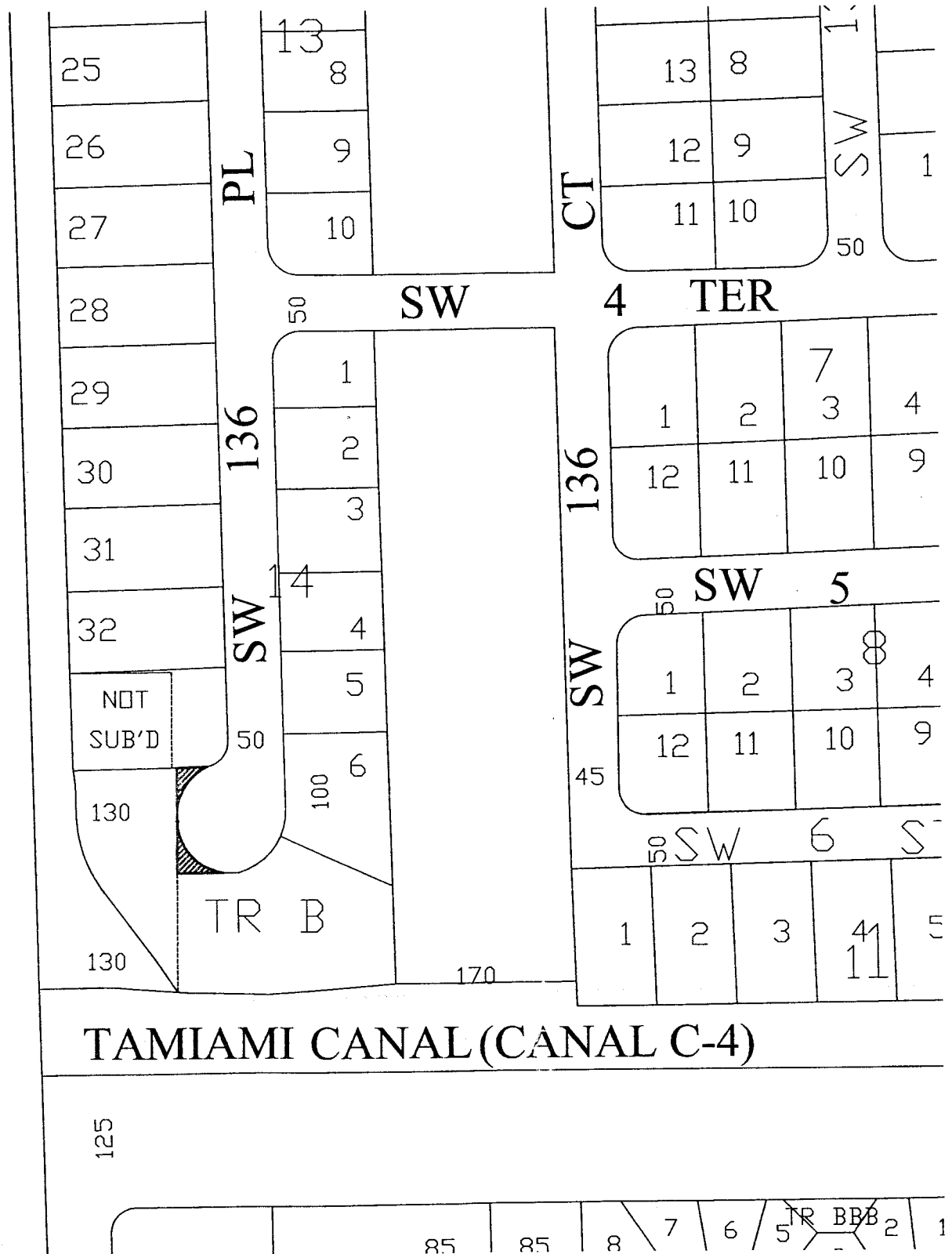




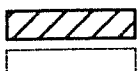
Location Map

PWD

SECTION 02 TOWNSHIP 54S RANGE 39E



Legend



Road Closing
Lot Lines

P-748



Naurel Riverol
Senior Cadastral Technician
March 28, 2005

PETITION TO CLOSE ROAD

TO: Board of County Commissioners
Miami-Dade County, Florida

The undersigned, pursuant to Sections 336.09 - 336.12, Florida Statutes, hereby petition the Board of County Commissioners to vacate, abandon, discontinue and close an existing public or private street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of the County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on a recorded map or plat as a street, alleyway, road or highway,

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way or land sought to be closed is as follows:

ALL THAT PART OF THE RIGHT-OF-WAY OF SW 136th PLACE OF UNIVERSITY PARK WEST, SECTION FOUR, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 118, AT PAGE 63 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA, WHICH LIES WITHIN THE EXTERNAL AREA FORMED BY A 50.00 FEET RADIUS ARC, CONCAVE TO THE NORTHEAST; TANGENT TO THE NORTHWESTERLY LINE OF TRACT "B" OF SAID UNIVERSITY PARK WEST, SECTION FOUR AND THE EASTERLY LINE OF THE CANAL RIGHT OF WAY (ORB 5431, PG 572) ON THE ABOVE MENTIONED UNIVERSITY PARK WEST SECTION FOUR AND ALL THAT PART OF THE SAID RIGHT OF WAY. OF SW 136 PLACE MORE PARTICULARLY DESCRIBED AS FOLLOWS BEGIN AT THE MOST SOUTHWESTERLY CORNER OF LOT 32 IN BLOCK 11 OF UNIVERSITY PARK WEST SECTION FOUR SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 118 AT PAGE 63 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN S01°14'17"E. ALONG A TANGENT LINE TO A CIRCULAR CURVE CONCAVE TO THE SOUTHEAST, FOR A DISTANCE OF 50.81' TO A POINT OF TANGENCY; THENCE RUN ALONG THE NORTHEASTERLY ARC OF SAID CIRCULAR CURVE HAVING THE RADIUS OF 50.00 FEET; A DELTA ANGLE OF 52°25'54" AND AN ARC LENGTH OF 45.76' TO THE POINT OF TANGENCY; THENCE RUN N 51°11'37" E FOR A DISTANCE OF 26.16' FEET TO A POINT OF TANGENCY WITH A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN WESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE FOR A DISTANCE OF 16.80' HAVING A RADIUS OF 25.00 FEET AN A DELTA ANGLE OF 38°30'27" TO THE POINT OF TANGENCY, THENCE; S89°42'04"W. FOR A DISTANCE OF 24.80' TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.

2. PUBLIC INTEREST IN ROAD: The title or interest of the County and the Public in and to the above described road, right-of-way or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records):

*PLAT OF UNIVERSITY PARK WEST, SECTION FOUR, PLAT BOOK 118, PAGE 63,
PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.*

3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land and its location and relation to surrounding property, and showing all encroachments and utility easements.

4. ABUTTING PROPERTY OWNERS: The following constitutes a complete and accurate schedule of all owners and occupants of property abutting upon or adjacent to the above described road, right-of-way or lands and all persons who will be affected by the closing and abandonment thereof (all interested or affected persons must either sign this petition or sign a written consent):

R. USA TORRES

530 SW 136 PLACE

30-4902-024-0641
MIAMI, FLORIDA.

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

6. NO FEDERAL OR STATE HIGHWAY AFFECTED: The undersigned certify that the above described road, right-of-way or land is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes; and that such road, right-of-way or land is under the control and jurisdiction of the board of County Commissioners.

7. GROUNDS FOR REQUESTING PETITION: The undersigned submit as a grounds and reasons in support of this petition the following (state in detail. why petition should be granted): *THE EXISTING LAND CONFIGURATION DOES NOT CONFORM TO THE PHYSICAL SHAPE OF THE EXISTING PAVED CUL-DE-SAC, AND MAKES FOR AWKWARD FUTURE SIDEWALK INSTALLATIONS. IF THIS PETITION IS GRANTED, THE SIDEWALK AND ADJACENT LAND CONTOURS WILL BE IN CONFORMITY (MATCHING) THE EXISTING CUL-DE-SAC.*

8. INTENT: The undersigned submit as grounds and reason for the utilization of the land sought to be closed (state purpose in detail)

THE LAND IN QUESTION WILL BE USED FOR RESIDENTIAL PURPOSES, THE SAME AS THOSE IN ADJACENT PROPERTIES AND IN CONFORMITY TO ALL ZONING LAWS.

THIS LAND WILL PROVIDE THE FLEXIBILITY TO BUILD SIDEWALKS AND PROVIDE ACCESS TO THE CUL-DE-SAC, MATCHING THE CURRENT NEIGHBORHOOD USE.

(Petition must be signed by all property owners abutting the road, right-of-way or lands to be closed or abandoned)

Respectfully submitted,

Signature

Jose R. Soberon

JOSE R. SOBERON

Address

530 SW 136 Place

6870 BAMBOO ST, MIAMI LAKES, FL 33014.

Address: _____
(Signature of Attorney not required)

STATE OF FLORIDA)
)ss
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared JOSE R. SOBERON, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all, petitioners; that he/she has read the foregoing petition and that the statements therein contained are true.

(Signature of Petitioner)

Filed under License S165-436-48-257-0
Sworn and subscribed to before me this

30 day of December, 2002

John Kevin Ray
Notary Public state of Florida at Large

My Commission Expires:

